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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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P    Q58134

IM52/0201  
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EXAMINER

HOFFMANN, J

ART UNIT

PAPER NUMBER

1731

DATE MAILED:

02/01/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



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DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 3-6-00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1-3 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-3 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3-6-00
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 rejected under 35 U.S.C. 102(b) as being anticipated by Powers 4568370

AS to the method being a method of fabricating an optical fiber preform, see the TITLE. AS to the "outside deposition", see figures 3 and/or 7, because the deposition occurs outside of the preform. As to the deposition of silica possibility doped with at least one dopant by injecting at least one substance in the form of silica or a precursor of silica, see figure 3, feature 40. AS to the "heating area". It is deemed that the area bounded by lines "D" and "C" is such an area because it is an area and a portion of that area is heated. 41 is the "heating means". 40 is the "injector means". The double headed arrow near each of 40 and 41 represents that there is at least one pass and that the position of each relative to the preform is altered.

As to claim 2, it is clear that adjustment is always occurring - thus it occurs between each pass. It is further noted that one can arbitrarily define what constitutes each pass so that there is a

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time period between each one so as to have a period of time between each pass. For example a pass could be defined as a downward movement only.

As to claim 3, Looking at figures 3 and 4 it is clear that at any given instant in time the heating means 41 has a main axis in a plane that is perpendicular to the longitudinal axis. And the injector means 40 has a main axis at a fixed angle to the main axis of the heating means - it is about 90 degrees. All of the other limitations are clearly met.

### ***Claim Rejections - 35 USC § 112***

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is not understood because it requires the that the heating and injector means to be in a plane and at a fixed angle and that they moved. It appears to require two contradictory things. If the devices are to move as claimed, their axes fail to remain in the plane.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pass of the injector means and the heating means, the precursor of silica, adjustment of relative postilions, the planes, the fixed angle,

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and the main axis of the injector means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

IT is noted that whereas the figures represent the movement of the substrate, that the claims requires a pass of the heating and injector means.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no mention of the main axes, the planes or the fixed angle. As alluded to above, Examiner could not understand claim 3. It is necessary for this claimed feature be explained in the specification so that one can readily understand what is being claimed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seigfried, Shimada, Guerder, Fleming, Achener, Miller, LeSergent, Mansfield, Cundy, Cocito, Kambelmetal, Nippon, Mommiss and Fujikura (4) are cited as being of general interest.

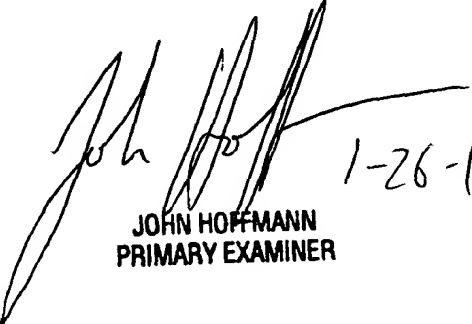
## Requests for interviews

The Office initiates interviews whenever it is deemed that it would be beneficial to do so to advance prosecution. And when an Applicant wishes to have an interview, the burden to initiate the interview remains solely with Applicant. MPEP 408 notes that Examiners are not required to note or acknowledge requests for telephone calls or state reasons why such proposed telephone interview would not be effective; therefore, requests for the Office to initiate interviews will not be acknowledged.

MPEP 713.05, 713.03, 713.09, and 713.01 and common sense indicate that any of the following questions would be appropriate for the Office to ask prior to granting an interview: Has there already been an interview of record in the case? Will the interview last more than 30 minutes? When do you want the interview? Does Applicant's representative have Power of Attorney? Does Applicant's representative have authority to bind the principal concerned? ( i.e. Does Applicant's representative have authority to make any and all changes?) Who will participate in the interview? What is the intended purpose(s) of the interview? What is the intended content of the requested interview? Failure to volunteer the above information might possibly result in a denial of an interview, or the inability of the Examiner to adequately answer Applicant's questions during the interview.

## CONTACT INFORMATION

Examiner's number	(703) 308-0469
fax- official papers after a final rejection	305-3599
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1-26-1

**JOHN HOFFMANN**  
**PRIMARY EXAMINER**